

## Message Text

CONFIDENTIAL

PAGE 01 QUITO 00316 01 OF 02 131845Z

44

ACTION OFA-01

INFO OCT-01 ARA-06 ISO-00 OES-03 SAL-01 L-03 EB-07 SCA-01

H-02 INR-07 DLOS-04 PRS-01 CG-00 DOTE-00 SS-15

TRSE-00 COME-00 SSO-00 INRE-00 SCS-03 CIAE-00 DODE-00

NSAE-00 PA-01 SP-02 USIE-00 /058 W

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O R 131750Z JAN 76

FM AMEMBASSY QUITO

TO SECSTATE WASHDC IMMEDIATE 8630

INFO AMCONSUL GUAYAQUIL

C O N F I D E N T I A L SECTION 1 OF 2 QUITO 0316

E.O. 11652: GDS

TAGS: EFIS, PLOS, PFOR, EC

SUBJECT: INFORMATION ON ECUADOREAN FISHING LICENSES

REF: STATE 4315, GUAYAQUIL 43

1. BEGIN SUMMARY: FISHING VESSELS OVER 600 NRT SHOULD NO LONGER ENCOUNTER PROBLEMS IN PURCHASING ECUADOREAN FISHING LICENSES. MARTICULAS MUST BE PURCHASED BEFORE PURCHASE OF LICENSES BY RADIO. THE SYSTEM ESTABLISHED BY THE GOE FOR PURCHASE OF LICENSES BY RADIO WOULD NOT BE FEASIBLE FOR AMERICAN FISHERMEN BECAUSE OF THE ACTIONS REQUIRED BY THE CONSULATE GENERAL. IT APPEARS THAT ONLY IF SOME PREVIOUS ARRANGEMENTS WERE MADE BETWEEN THE AMERICAN FISHING INDUSTRY AND THE USG COULD IT BE PUT TO USE, AND THE FISHING SEASON HAS ALREADY COMMENCED. END SUMMARY.

2. CONSISTENT WITH THAT STATED IN GUAYAQUIL 43, THE SUB-SECRETARY OF FISHERIES ASSURED EMBASSY ON THE MORNING OF JANUARY 12 THAT THERE WAS NO PROBLEM FOR BOATS OVER 600 NRT IN PURCHASING LICENSES, SINCE ECUADOREAN CONSULATES HAVE RECEIVED APPROPRIATE INSTRUCTIONS.

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PAGE 02 QUITO 00316 01 OF 02 131845Z

3. DEPARTMENT'S UNDERSTANDING THAT VESSEL MUST FIRST PURCHASE

MATRICULA IN ORDER TO BUY LICENSES BY RADIO IS CORRECT.

4. IN ADDITION TO MANNER OF PURCHASING LICENSES VIA RADIO OUTLINED IN GUAYAQUIL 43, THE ECUADOREAN GOVERNMENT HAS ALSO ESTABLISHED A SYSTEM WHEREBY LICENSES CAN BE PURCHASED BY COMMUNICATING DIRECTLY WITH THE ECUADOREAN GOVERNMENT INSTEAD OF INITIALLY WITH SHIP'S AGENT. THE SYSTEM ESTABLISHED, HOWEVER, REQUIRES CONSULATES OF THE COUNTRY OF BOATS REQUESTING LICENSES EITHER TO MAKE OR GUARANTEE PAYMENT PRIOR TO THE DIRECTORATE GENERAL OF FISHERIES GRANTING THE LICENSES.

5. COMMENT: THE SYSTEM CREATED PRESENTS SERIOUS PROBLEMS FOR USE BY AMERICAN FISHERMEN. ACTION BY THE AMERICAN CONSULATE GENERAL COULD BE CONSIDERED UNDESIRABLE BECAUSE OF OUR JURIDICAL POSITION ON TERRITORIAL SEAS, ALTHOUGH WE HAVE PUBLICLY STATED A POSITION OF NEUTRALITY ON THE PURCHASE OF ECUADOREAN FISHING LICENSES BY AMERICAN FISHERMEN. MOREOVER, UNLESS SOME KIND OF PRIOR ARRANGEMENTS WERE MADE BETWEEN THE AMERICAN FISHING INDUSTRY AND THE USG IT APPEARS THAT UNDER EXISTING REGULATIONS AN AMERICAN CONSUL COULD NOT GUARANTEE FUTURE PAYMENT FOR A LICENSE BY AN APPLYING FISHING BOAT. THE SEASON HAS ALREADY COMMENCED AND IT SEEMS A LITTLE LATE TO TRY TO WORK OUT SUCH ARRANGEMENTS. THE CONSULATE GENERAL COULD, HOWEVER, UPON NOTIFICATION BY THE DIRECTORATE GENERAL OF FISHERIES OF AN APPLICATION FOR LICENSE BY AN AMERICAN FISHING BOAT, COMMUNICATE WITH THE BOAT'S AGENT AND ASK HIM TO DEAL DIRECTLY WITH THE DIRECTORATE GENERAL OF FISHERIES. THIS MIGHT BE OF VALUE IN SOME CASES BUT IN MOST WOULD MERELY BE AN EXTRA STEP FOR A FISHING BOAT WHICH CAN COMMUNICATE DIRECTLY BY RADIO WITH HIS AGENT TO REQUEST HE OBTAIN A LICENSE FROM THE DIRECTORATE GENERAL OF FISHERIES.

6. WE BELIEVE THE GOE WAS SINCERELY TRYING TO WORK OUT A WAY IN WHICH AMERICAN BOATS COULD PURCHASE FISHING LICENSES BY RADIO. BECAUSE OF BUREAUCRATIC INEFFICIENCY, POOR INTERNAL COORDINATION AND GOVERNMENTAL CRISES, THE GOE HAS BEEN SLOW. IN RESPONSE TO OUR REPRESENTATIONS THE GOE FINALLY ESTABLISHED A SYSTEM ON JANUARY 12, BUT FOR AMERICAN BOATS IT IS NOT PRACTICAL. EMBASSY WILL CONTINUE TO DISCUSS MATTER WITH GOE. END COMMENT.

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PAGE 03 QUITO 00316 01 OF 02 131845Z

7. FOLLOWING ARE THE INFORMAL ENGLISH TRANSLATIONS AND SPANISH TEXTS OF ARTICLE 26 OF THE LAW FOR FISHING AND FISHERIES DEVELOPMENT AND RESOLUTION 13023 OF THE MINISTRY OF NATURAL RESOURCES ESTABLISHING MEANS BY WHICH FOREIGN-FLAG FISHING VESSELS BY RADIO CAN PURCHASE LICENSES FROM THE ECUADOREAN GOVERNMENT.

8. INFORMAL ENGLISH TRANSLATIONS:

A) ARTICLE 26 OF THE LAW FOR FISHING AND FISHERIES DEVELOPMENT,  
(#759 OF THE OFFICIAL REGISTER, AUGUST 9, 1974)

A FOREIGN FLAG VESSEL HOLDING A FISHING REGISTRATION  
AND WHICH HAS NOT OBTAINED A FISHING LICENSE, SHALL, BEFORE  
ENTERING ECUADOREAN TERRITORIAL WATERS, APPLY TO THE NAVAL  
RADIO STATION, ON THE FREQUENCIES DETERMINED BY THE STATION  
FROM TIME TO TIME, FOR APPROVAL FOR ENTERING SUCH WATERS.  
ON THE BASIS OF SUCH APPROVAL, THE PROPER FISHING LICENSE  
SHALL BE REQUESTED FROM THE DIRECTORATE GENERAL OF FISHING,  
AND SUCH LICENSE TO BE VALID EFFECTIVE ON THE DATE OF  
ISSUANCE.

B) MINISTRY RESOLUTION 13023

THE SUBSECRETARY OF FISHING RESOURCES,/

2#343- , IT IS NECESSARY TO ISSUE ADMINISTRATIVE RULES  
THAT WILL FACILITATE APPLICATION OF ARTICLE 26 OF THE REGULATIONS  
FOR THE LAW ON FISHING AND FISHING DEVELOPMENT; AND  
WHEREAS, THAT THE PROPER PROCEDURE HAS BEEN COORDINATED  
WITH THE COMMANDING GENERAL OF THE NAVY,  
NOW THEREFORE, BY VIRTURE OF THE LEGAL POWERS VESTED IN  
HIM.

HEREBY RESOLVES:

TO ISSUE THE FOLLOWING REGULATIONS FOR COMPLIANCE WITH  
ARTICLE 26 OF THE REGULATIONS FOR THE LAW ON FISHING AND FISHING  
DEVELOPMENT:

ARTICLE 1. THOSE FOREIGN FLAG VESSELS INCLUDED UNDER  
THE TERMS AND CONDITIONS OF ARTICLE 26 OF THE REGULATIONS FOR  
THE LAW ON FISHING AND FISHING DEVELOPMENT WHICH WISH TO  
ENGAGE IN FISHING ACTIVITIES IN ECUADOREAN TERRITORIAL  
WATERS, SHALL APPLY TO THE DIRECTORATE GENERAL OF FISHING,  
THROUGH THE NAVAL RADIO STATION ON THE FREQUENCIES INDICATED  
BY IT, FOR A FISHING LICENSE, WITH AN INDICATION OF THE VESSEL'S  
GEOGRAPHICAL POSITION.

CONFIDENTIAL

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PAGE 04 QUITO 00316 01 OF 02 131845Z

CONFIDENTIAL

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CONFIDENTIAL

PAGE 01 QUITO 00316 02 OF 02 131852Z

45

ACTION OFA-01

INFO OCT-01 ARA-06 ISO-00 OES-03 SCS-03 L-03 EB-07 SCA-01

H-02 INR-07 DLOS-04 PRS-01 CG-00 DOTE-00 SS-15

TRSE-00 COME-00 SSO-00 INRE-00 SAL-01 CIAE-00 DODE-00

NSAE-00 PA-01 SP-02 USIE-00 /058 W

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O R 131750Z JAN 76

FM AMEMBASSY QUITO

TO SECSTATE WASHDC IMMEDIATE 8631

INFO AMCONSUL GUAYAQUIL

C O N F I D E N T I A L SECTION 2 OF 2 QUITO 0316

ARTICLE 2. UPON RECEIVING AN APPLICATION, THE NAVAL RADIO STATION WILL REPORT IT TO THE DIRECTORATE GENERAL OF FISHING, IN ORDER THAT THE LATTER MAY CONSIDER GRANTING THE LICENSE APPLIED FOR.

ARTICLE 3. PRIOR TO GRANTING SUCH LICENSE, THE DIRECTORATE GENERAL OF FISHING WILL CONTACT THE CONSULATE OF THE FLAG COUNTRY OF THE VESSEL APPLYING FOR A LICENSE, IN ORDER THAT SUCH CONSULATE MAY ARRANGE FOR PAYMENT OF THE PROPER DUTIES OR GUARANTEE SUCH PAYMENT. IT WILL THEN EXTEND THE LICENSE AND ADVISE THE APPLICANT THROUGH THE NAVAL RADIO STATION.

ARTILCE 4. UPON RECEIVING SUCH ADVICE THAT THE LICENSE HAS BEEN GRANTED, THE VESSEL WILL AGAIN REPORT ITS POSITION AND IT MAY ONLY AT THIS TIME ENTER TERRITORIAL WATERS.

ISSUED IN QUITO ON JANUARY 12, 1976

/S/ ETIEL RODRIGUEZ TAPIA  
CAPTAIN, ECUADOREAN NAVY

9. SPANISH TEXTS:

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PAGE 02 QUITO 00316 02 OF 02 131852Z

A) REGLAMENTO A LA LEY DE PESCA Y DESARROLLO PESQUERO, ARTICULO 26, (#759 DEL REGISTRO OFICIAL DE 9 DE AGOSTO DE 1974) LOS BARCOS DE BANDERA EXTRANJERA, CON MATRICULA DE PESCA, QUE NO HUBIEREN OBTENIDO EL PERMISO DE PESCA CORRESPONDIENTE, ANTES DE ENTRAR EN AGUAS TERRITORIALES ECUATORIANAS, DEBERAN SOLICITAR, A LA ESTACION DE RADIO NAVAL, EN LAS FRECUENCIAS QUE ESTA DETERMINARA PERIODICAMENTE, LA AUTORIZACION PARA INGRESAR A TALES AGUAS. CON DICHA AUTORIZACION SE SOLICITARA A LA DIRECCION GENERAL DE PESCA

EL PERMISO RESPECTIVO, EL QUE TENDRA VIGENCIA A PARTIR DE LA FECHA DE SU EXPEDICION.

B) RESOLUCION # 13023

EL SUBSECRETARIO DE RECURSOS PESQUEROS

CONSIDERANDO:

QUE ES NECESARIO EXPEDIR NORMAS ADMINISTRATIVAS QUE FACILITEN LA APLICACION DE ART. 26 DEL REGLAMENTO A LA LEY DE PESCA Y DESARROLLO PESQUERO;

QUE SE HA COORDINADO EL PROCEDIMIENTO CON LA COMANDANCIA GENERAL DE MARINA; Y,

EN USO DE LAS ATRIBUCIONES LEGALES QUE LE COMPETEN,

ACUERDA:

DICTAR LAS SIGUIENTES REGULACIONES PARA EL CUMPLIMIENTO DE ART. 26 DEL REGLAMENTO A LA LEY DE PESCA Y DESARROLLO PESQUERO.

ART. 1. - LOS BUQUES DE BANDERA EXTRANJERA COMPRENDIDOS EN LAS CONDICIONES DEL ART. 26 DEL REGLAMENTO A LA LEY DE PESCA Y DESARROLLO PESQUERO QUE DESEAREN REALIZAR FAENAS DE PESCA EN AGUAS TERRITORIALES ECUATORIANAS, SOLICITARAN A LA DIRECCION GENERAL DE PESCA, POR INTERMEDIO DE LA ESTACION DE RADIO NAVAL, EN LAS FRECUENCIAS QUE ELLA SENALE, EL CORRESPONDIENTE PERMISO DE PESCA, INDICANDO SU POSICION GEOGRAFICA.

CONFIDENTIAL

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PAGE 03 QUITO 00316 02 OF 02 131852Z

ART. 2. - LE ESTACION DE RADIO NAVAL, AL RECIBIR LA SOLICITUD, LA REPORTARA A LA DIRECCION GENERAL DE PESCA, A FIN DE QUE ELLA CONSIDERE LA CONCESION DEL PERMISO SOLICITADO.

ART. 3. - LA DIRECCION GENERAL DE PESCA, PREVIAMENTE A CONCEDER DICHO PERMISO, SE PONDRA EN CONTACTO CON EL CONSULADO DEL PAIS DEL BARCO SOLICITANTE, A FIN DE QUE DICHO CONSULADO INSTRUMENTE EL PAGO DE LOS DERECHOS CORRESPONDIENTES O GARANTICE SUFICIENTEMENTE EL MISMO, CUMPLIDO LO CUAL, OTOGARA EL PERMISO Y COMUNICARA EL PARTICULAR AL SOLICITANTE POR MEDIO DE LA MISMA ESTACION NAVAL.

ART. 4. - EL BARCO SOLICITANTE AL RECIBIR EL AVISO DE LA CONCESION DEL PERMISO, INDICARA NUEVEMENTE SU POSICION Y SOLO ENTONCES PODRA INGRESAR EN AGUAS TERRITORIALES.

COMUNIQUESE:

DADO, EN QUITO

ETIEL RODRIGUEZ TAPIA,  
CAPITAN DE NAVIO DE B.M.,  
HEMENWAY

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## Message Attributes

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